IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and INTERMUNE, INC., Plaintiffs, v. AUROBINDO PHARMA LIMITED, et al., Defendants.	C.A. No. 19-078 (RGA) CONSOLIDATED REDACTED – PUBLIC VERSION

DECLARATION OF VICTOR J. THANNICKAL, M.D. IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR DISQUALIFICATION

I. INTRODUCTION

1. I am a Professor of Medicine and Pathology at the University of Alabama at Birmingham ("UAB"). In addition to my work as a practicing physician, I perform pre-clinical and clinical research. Since 2001, I have assisted with eleven clinical trials relating to IPF at the universities with which I have been affiliated, sponsored by six different organizations.[1]

2. I understand that Genentech, Inc. and InterMune, Inc. (collectively, "Plaintiffs") have asked the Court to disqualify me as an expert in this case, based largely on a claim that I received confidential information in connection with certain clinical trials of pirfenidone sponsored by InterMune between 2007 and 2013.

3. Through the UAB and the University of Michigan (my previous institution), I was involved as a treating physician in three clinical trials for InterMune relating to pirfenidone. I was not the main investigator on any of these studies. My involvement was limited to enrolling

[1] InterMune Pharmaceuticals, Actelion Ltd., Genzyme, Inc., the IPF Clinical Research Network (National Institutes of Health), FibroGen, Inc., and Gilead Sciences.

IPF patients in the studies and following up with them during periodic visits to see how they were doing on the medication, similar to what I would normally be doing as their treating physician. To the best of my recollection, I treated fewer than ten patients across these three clinical trials. I do not have any recollection of the clinical observations I made of the patients in those clinical trials.

4. I recall reviewing the standard investigator brochure for each of InterMune's clinical trials for pirfenidone, which was shared with the entire study team. I reviewed or was apprised of the protocols for these clinical trials as well, as is routine for initiation of new clinical studies. I did not receive additional documents or information from InterMune, nor did I receive any information that I would consider specific to pirfenidone rather than common to any clinical trial.

5. I had no involvement with the design, protocols, data analysis, or internal InterMune strategy for any of InterMune's clinical studies related to pirfenidone. I did not sign any confidentiality agreement with InterMune relating to these studies. I did not speak with anyone at InterMune about the clinical trials during my involvement in them.

6. [redacted]

7. I have never received information from InterMune or Genentech regarding their strategies for intellectual property, drug development, or litigation. I have never discussed these

issues with Plaintiffs. To the best of my knowledge, I do not have any non-public information from Plaintiffs.

I swear under penalty of perjury that the foregoing is true and correct.

Victor Thannickal

7/13/20
Date